

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Washington, DC 22313-1450, on the date shown below.

Dated: 12-13-06

Signature: Katherine L. Neville

Katherine L. Neville

Docket No.: 01017/36667
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Banks, W.

Application No.: 10/049,182

Group Art Unit: 1649

Filing Date: June 19, 2002

Examiner: Kolker, D.

For: Modulation of the Blood-Brain Barrier
Transporter for Leptin

DECLARATION UNDER 37 C.F.R. § 1.132 OF DR. WILLIAM BANKS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

I, Dr. William Banks, do hereby declare and state as follows:

1. I am on the faculty at St Louis University in St Louis, MO, and am a U.S. citizen. I am an inventor of the invention claimed in the above-referenced application, and am providing this declaration to provide evidence in support of patentability of the invention.

2. In experiments performed in my laboratory to measure leptin transport across the blood brain barrier (BBB), the effects of the adrenergic agonists epinephrine and phenylephrine, the same agents as used in Borges et al. (*Eur. J Pharmacol.* 1994, 269:243-48), have been measured. As set out in the patent application, these experiments showed that epinephrine enhances leptin transport across the BBB. These experiments also demonstrated that phenylephrine does not increase transport of leptin across the BBB. See Figure 1 attached. Thus, the agents disclosed in Borges et al. as permeabilizers of the blood brain barrier do not all enhance the transport of leptin across the BBB.

3. Further studies of leptin transport across the BBB carried out in my lab, published in (Nonaka et al., *Brain Res.* 1016:58-65, 2004) (see Exhibit A of Response),

DK
considered
3/27/07